

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH HENSLEY,)	
Plaintiff,)	
)	C.A. No. 18-355 Pittsburgh
)	
v.)	
)	District Judge Susan Paradise Baxter
MAJOR JOSEPH TREMPUS, et al,)	Magistrate Judge Richard A. Lanzillo
Defendants.)	

MEMORANDUM ORDER

This *pro se* prisoner civil rights action was received by the Clerk of Court on March 19, 2018, and was referred to the undersigned, then a United States Magistrate Judge, for all pretrial matters. On September 14, 2018, the undersigned was sworn in as a United States District Judge. This action was subsequently reassigned to the undersigned, as presiding judge, and was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

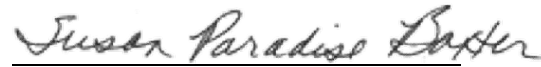
On September 24, 2018, Defendants filed a motion to dismiss for failure to state a claim [ECF No. 22], to which Plaintiff filed a response [ECF No. 27]. On April 17, 2019, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that this case be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(e), based upon Plaintiff's failure to exhaust administrative remedies, which is apparent on the face of Plaintiff's complaint, and that Defendants' motion to dismiss [ECF No. 22] be denied as moot. [ECF No. 31]. Service of the R&R was made on Plaintiff at his address of record, via first class United

States mail. Objections to the R&R were due from Plaintiff by May 6, 2019; however, Plaintiff has failed to file any objections to date.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 7th day of June, 2019;

IT IS HEREBY ORDERED that this case is DISMISSED as legally frivolous, in accordance with 28 U.S.C. § 1915(e), and that Defendants' motion to dismiss [ECF No. 22] is denied as moot, accordingly. The report and recommendation of Magistrate Judge Lanzillo, issued April 17, 2019 [ECF No. 31], is adopted as the opinion of the Court.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge